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Release of women and children taken hostage, including those subsequently imprisoned, in armed conflicts

Report of the Secretary-General

Summary

The present report is prepared in compliance with resolution 46/1, adopted by the Commission on the Status of Women at its forty-sixth session in 2002. The report contains information provided by Member States and relevant entities of the United Nations system. It concludes with recommendations for consideration by the Commission on the Status of Women.

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I. Introduction

1. At its forty-sixth session, the Commission on the Status of Women adopted its resolution 46/1 on the release of women and children taken hostage, including those subsequently imprisoned, in armed conflicts. In that resolution, the Commission recalled all its previous resolutions on the subject, as well as the relevant provisions contained in the instruments of international humanitarian law relative to the protection of the civilian population, including women and children.[1]

2. The Commission expressed its strong belief that the rapid and unconditional release of women and children taken hostage in areas of armed conflict would promote the implementation of the goals enshrined in the Beijing Declaration and Platform for Action and the outcome documents of the twenty-third special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century".

3. Moreover, the Commission strongly urged all parties to armed conflicts to respect fully the norms of international humanitarian law in armed conflict and to provide safe and unimpeded access to humanitarian assistance for women and children taken hostage. It also urged all parties to armed conflict to release immediately all women and children taken hostage and requested the Secretary-General and all relevant international organizations to use their capabilities and efforts to facilitate their immediate release.

4. In addition, the Commission requested the Secretary-General to prepare, taking into account the information provided by States and relevant international organizations, a report on the implementation of the resolution for submission to the Commission at its forty-eighth session in 2004.

5. The present report is prepared in compliance with that request on the basis of information received from 11 Member States as well as entities of the United Nations system.

II. Information from Member States

6. The Governments of Azerbaijan, Belarus, Colombia, Lebanon, Malaysia, Mexico, Peru, Saudi Arabia, Sierra Leone, the Syrian Arab Republic and Thailand responded to a request to provide information regarding the status of implementation of resolution 46/1.

7. The Government of Malaysia stated that the resolution was not relevant to Malaysia, as there was no situation of armed conflict, or of women and children taken hostage in that country.

8. The Government of Saudi Arabia responded that there were no women or children in detention as a result of armed conflicts and that Saudi Arabia was in compliance with the 1979 International Convention Against the Taking of Hostages.

9. The Government of Belarus stated that it had ratified or acceded to international treaties on combating hostage-taking, trafficking in persons and on violations of norms of international humanitarian law. It had also adhered to an international agreement on immediate measures for the protection of victims of armed conflicts. At the national level, a new Criminal Code for the Republic of

Belarus, which had entered into force on 1 January 2001, regulated responsibilities for those seizing or holding persons as hostages. The Government noted that the question of combating hostage-taking was closely linked with issues relating to combating terrorism.

10. The Government of Lebanon submitted a reply from the General Directorate of Internal Security Forces and the General Directorate of General Security of the Republic of Lebanon, reporting on amendments made to articles 569 and 570 related to crimes against freedom and honour.

11. The Syrian Arab Republic reported that two Syrian women remained imprisoned by Israeli occupation authorities.

12. The Republic of Sierra Leone stated that all abductees from the 10-year war in Sierra Leone had been released by all factions that had been involved in the fighting. It noted that the disarmament had been successfully completed and that no women or children remained in captivity.

13. According to the information provided by the Government of Azerbaijan, its State Commission for Prisoners of War, Hostages and Missing Persons reported that there were no women or children imprisoned or taken hostage by Azerbaijan. As of 1 September 2003, 4,890 citizens of Azerbaijan had been declared missing since the beginning of the armed aggression by the Republic of Armenia. To date, 1,333 people had been released from Armenian captivity, 129 of whom were children and 312 were women. However, 783 persons remained imprisoned or had been taken hostage by Armenia. The list of those persons was compiled on the basis of testimonials from individuals who had returned from captivity. According to the Government of Azerbaijan, that information was being hidden from international organizations. The State Commission would continue to undertake measures regarding the search for missing persons, with the participation of international organizations.

14. The Government of Mexico reported that resolution 46/1 did not apply to its situation, since no women or children had been taken hostage as a result of armed conflict. However, it reaffirmed the comments it had made on that subject during the Security Council debate of October 2002. As requested by Mexico, those comments are incorporated below.

15. The Government of Mexico noted that international conflicts increasingly affected civilian populations, especially women and children, with women frequently being victims of grave violations of their human rights and international humanitarian law. For that reason, their involvement in peacemaking processes was becoming necessary in order to achieve just and lasting solutions to armed conflicts. Mexico further underscored the importance of systematically incorporating a gender perspective into peacekeeping operations in accordance with Security Council resolution 1325 (2000). It emphasized the importance of the recommendations made by the Secretary-General in his report to the Security Council on women, peace and security (S/2002/1154). Those recommendations should be taken into account with a view to their implementation in the short term so that the efforts which the international community had made in that area could continue. Increased recognition should be given to the role of women in rebuilding peace.

16. The Government of Mexico noted the important information provided by the Secretary-General in his report on the improvement of the status of women in the

United Nations system (A/57/447) regarding the low participation of female professional staff in peace operations. It took positive note of the fact that, according to the report of the Secretary-General on the composition of the Secretariat (A/57/414), the largest increase in the number of women working at the United Nations since July 2001 had been in the Department of Peacekeeping Operations (25 per cent). Mexico also referred to the importance of the conduct to be adhered to by United Nations peacekeeping personnel in order to prevent instances of abuse of women and girls, promote respect for international law and ensure that those who committed such deplorable acts were judged by the relevant bodies. Moreover, it stressed the need for States to consider sponsoring women candidates for judgeships on international criminal tribunals.

17. The Government of Peru provided a report on the implementation of resolution 46/1 prepared by its Ministry of Women's Affairs and Social Development. The report stated that the country had suffered the scourge and barbarity of terrorism, which had claimed the lives of more than 25,000 people and had caused incalculable material damage. It noted that public policies had been focused on attending to the needs of women and children who were held or forcibly recruited by terrorist groups. A National Plan, with a gender equality approach, was in place for caring for people affected by terrorist violence. The activities under the Plan were designed to provide mechanisms and instruments to enable both men and women affected in some way by the violence to improve their circumstances by developing their own capacities. The Plan guaranteed equality of opportunities in access to project activities, applied a minimum quota of 50 per cent for the participation of women and gave priority attention to widows with children. The Plan also included intercultural and human rights components.

18. The Government of Peru noted that under the programme of Support for the Repopulation and Development of Emergency Zones (PAR), the Ministry of Women's Affairs and Social Development had been carrying out measures for the organized return of displaced persons, including women and girls, to their places of origin. PAR used incentives to accomplish that goal, such as packages of social and production measures, designed to promote development of those places of origin. PAR had secured the return of 19,570 persons to the departments of Ayacucho, Huancavelica, Junin and Pasco. A pilot project for dealing with the aftermath of terrorist violence had been implemented with the aim of providing social, cultural and economic repatriation for displaced and reintegrated persons and returnees by means, inter alia, of production activities. Although the target population of PAR included all persons affected by terrorist violence, a project had been established to address the particular needs of women in that regard. A total of 8,725 women and 8,389 men had been helped under the projects. To help displaced women, PAR had focused, during the first three months of 2003, on the strategic development of activities under the National Plan for dealing with the aftermath of the terrorist violence, including work with girls, adolescent and young women and adult women in general. The project for dealing with the effects of terrorist violence on women included: support for mutual assistance groups; training in the human rights of women, self-esteem and empowerment; awareness and publicity campaigns on gender equality and equal opportunities and multisectoral workshops on the prevention and redress of the consequences of displacement on the grounds of gender. Topics planned for the rest of 2003 included: family violence as a consequence of war; political participation of women and their organizations, as

well as topics included in the projects on reconstruction of local institutions and the restoration of mental, family and community health.

19. In its response, the Government of Thailand informed the Commission that during the past decade, the absence of armed conflicts within Thailand or involving Thailand meant that no women or children had been taken hostage or imprisoned on Thai soil. Nonetheless, displaced persons, especially women and children fleeing armed conflicts in neighbouring countries, continued to cross the Thai borders and those vulnerable people could fall prey to human traffickers. In view of that fact, the Government informed the Commission that civil servants in all agencies had been trained to be more receptive and responsive in their treatment of women and children in need of humanitarian assistance. It called attention to the special efforts undertaken in addressing human trafficking and protecting and promoting the rights of women and children, including measures at the national, regional and international levels to safeguard and assist victims of trafficking in human beings.

20. According to information provided by the Government of Colombia, the Colombian Family Welfare Institute (ICBF) was implementing resolution 46/1 through different programmes carried out once persons covered by the resolution had left the area of conflict or had severed ties with the illegal armed group. Victims of violence who had been displaced from their place of origin were cared for through the displaced persons' programme, in coordination with the Social Solidarity Network and the World Food Programme. The displaced persons' programme covered pregnant women, nursing mothers and children who were served by the regular programmes of ICBF. Minors at risk who lived with their families were reported to have been placed in protection programmes carried out by the Institute. Those who broke away from illegal armed groups were placed in a specialized care programme, which worked to ensure that their rights would be restored and that they would be integrated into society.

III. Information from the United Nations system

21. The Economic Commission for Africa (ECA) noted that hostage-taking and abduction of women and children was particularly rampant in countries involved in armed conflicts and had been exacerbated by the HIV/AIDS pandemic, with young girls being taken hostage and abducted for marriage to military commanders and long-haul truck drivers. Special mention was made by ECA of the situation in Sierra Leone as well as Uganda, where the incidence of hostage-taking by the Lord's Resistance Army was reported to be among the highest in Africa. Women and children were reported to have been held hostage for years, forced into slavery and trained to fight at a very young age. Young children were reported to have been forced to flee their homes at night to avoid being abducted; they often witnessed atrocious crimes. ECA noted that Governments had yet to be vigorously involved in negotiations to free victims taken hostage during armed conflicts, resulting in many women and children being held hostage for as long as 10 to 15 years. There was an urgent need for information and for increased involvement of African Governments. Ministries concerned with gender equality, women and children should be involved, as that had proven to be effective in Rwanda and Timor-Leste.

22. The Office for the Coordination of Humanitarian Affairs stated that while the Office's activities did not directly address situations of hostage-taking and release, a

number of its activities indirectly supported the implementation of resolution 46/1 by ensuring a comprehensive and coordinated humanitarian response in areas affected by conflicts and incidents of kidnapping and hostage-taking. The Office's aim was to advocate for the full respect of human rights and international humanitarian law among all parties to a conflict; organize regional workshops on the protection of civilians; and develop a policy framework for a culture of protection in close collaboration with its humanitarian partner agencies and interested Member States.

23. The Department of Public Information reported that through its communication activities, it focused on conducting awareness-raising activities on issues regarding women and children in armed conflict. Those activities included a publicity campaign for the aforementioned report of the Secretary-General on women, peace and security issued in October 2002 (S/2002/1154), preparation of information kits, programmes for UN Radio, an online NewsCentre, publications in the *UN Chronicle* related to child soldiers and the organization of press conferences on related issues.

24. The Department for Peacekeeping Operations provided information from four of its entities: the United Nations Disengagement Observer Force (UNDOF); the United Nations Peacekeeping Force in Cyprus (UNFICYP); the United Nations Mission of Support in East Timor (UNMISET); and the United Nations Truce Supervision Organization (UNTSO).

25. UNDOF reaffirmed its full support for the implementation of the resolution, but informed that no situations had been encountered regarding women and children taken hostage within its area of responsibility.

26. UNTSO reported that facilitating the release of women and children taken hostage, as mandated by resolution 46/1, was not a specific part of its mandate.

27. UNFICYP reported that the last violent incidents between Greek Cypriots and Turkish Cypriots had occurred in 1996. It was noted that there were no current cases of women or children taken into captivity or held hostage and that UNFICYP had no recent records of women or children being taken or held as hostages in connection with the conflict. Women and minors known to UNFICYP to be held in detention in Cyprus were reported to have undergone criminal proceedings and to have access to legal representation and fair process. No cases had been recorded in recent years of women and children having been detained in conditions which were unlawful or unacceptable by humanitarian standards.

28. UNMISET reported that the situation of women and children held in hostage-like situations in West Timor remained difficult to assess since no official figures were available. The Office of the United Nations High Commissioner for Refugees reported that thousands of Timorese persons were forcibly deported during 1999, with an estimated 1,200 to 2,000 children being separated from their families and placed in orphanages or with Indonesian guardians. It was noted that, as of August 2003, 691 open cases existed of separated children, 277 of whom were in West Timor, 247 in other parts of Indonesia, 111 in Timor-Leste (with parents in West Timor) and 56 in unknown locations. In July 2003 two children were reported to have been reunited with their families following intervention by the Office. There had been isolated reports of armed groups operating against the civilian population since the armed conflict ceased in 1999. However, to the knowledge of UNMISET, there had been no reports of hostage-taking, rape, torture, enslavement or trafficking

in women and children by the armed groups. UNMISET noted that the post-conflict situation in Timor-Leste continued to present challenges which had a serious impact upon the rights of women and children, including their right to justice for past human rights violations, and their current access to protection under the law, including protection for victims of domestic violence.

29. The United Nations Children's Fund (UNICEF) reported on its assistance to a non-governmental organization which provided free legal aid and documented the condition of detainees, especially children, and on the enhancement of the follow-up mechanisms to monitor the situation on both the Israeli and Palestinian sides.

30. In Sri Lanka, UNICEF reported on support provided to post-conflict peace-building and reconstruction, which included issues of under-age recruitment by all parties to the conflict. It was stated that 140 children had been released by the Liberation Tigers of Tamil Eealam in 2002 and returned to their families. In collaboration with the Office of the United Nations High Commissioner for Refugees, the International Labour Organization, Save the Children as well as the Sri Lankan Human Rights Commission, UNICEF is developing a plan of action for reintegration of under-age recruits and addressing violations of children's and women's rights in conflict-affected areas.

31. In Colombia, Uganda and the Sudan, UNICEF reported on its support of actions aimed at preventing the recruitment of child and adolescent groups into armed groups and devising strategies for their demobilization, protection and social integration. In Colombia, the departments of Narino and Cauca in particular were stated to be areas where children and adolescents were pressured to join armed groups. In northern Uganda, 4,500 children were reported by UNICEF to have been abducted by the Lord's Resistance Army (LRA). Activities in Uganda focused on advocacy for the return of demobilized children and women who had been members of LRA. Those activities were reported to have resulted in 238 children and women being retrieved from their abductors and 200 reunified with their families. In the Sudan, UNICEF, in cooperation with the Office of the United Nations High Commissioner for Human Rights, addressed the issue of under-age recruitment through support for the development of a juvenile justice system, as well as through awareness-raising and training of soldiers of the Sudanese army. The Action Against Child Abduction project was reported as another key activity in the Sudan undertaken by UNICEF, together with the Committee for the Eradication of the Abduction of Women and Children, the Ministry of Justice and the Presidency.

32. In Sierra Leone, UNICEF observed an improvement in the security and political situation over 2002-2003, although the effects of the conflict could still be felt. Its activities included support for community-based reintegration programmes for formerly abducted children and ex-combatants.

33. The World Health Organization (WHO) reaffirmed its commitment to ensuring the survival and subsequent recovery of people, including women and children, who had fallen victim to armed conflict. WHO reported that it had undertaken specific activities in countries such as the Democratic Republic of the Congo, Uganda, Liberia, Guinea and Colombia. Assistance provided included participation in inter-agency assessment missions and design of strategies for prevention, preparedness and response where there had been reports of rape, kidnapping and violence against women and girls. In Uganda, WHO fielded a public health officer to address the health needs of internally displaced persons, including a large number of children

believed to have been kidnapped and forced to follow rebel groups. In Liberia, WHO had implemented special programmes for abandoned children, households headed by women and rehabilitation of child soldiers. In communities living in hostage-like situations, for instance in Colombia, WHO had devised decentralized programmes of assistance in order to strengthen local health systems, and had established a web site as a forum of information exchange.

34. The Economic Commission for Latin America and the Caribbean, the United Nations Development Fund for Women, the Economic and Social Commission for Asia and the Pacific, the Economic and Social Commission for Western Asia, the United Nations Relief and Works Agency for Palestine Refugees in the Near East and the World Food Programme all reported that they had not been involved in any work on the implementation of the resolution.

IV. Recommendations

35. **In the light of current submissions received from Member States, the Commission on the Status of Women may wish to renew its commitment to resolution 46/1 and further encourage Governments to report on its implementation. The Commission may also wish to encourage Governments to report on the relevance of women and children taken hostage, including those subsequently imprisoned, in armed conflicts, in the context of the follow-up to Security Council resolution 1325 (2000).**

Notes

[1] General Assembly resolution 34/146 of 17 December 1979, Commission on Human Rights resolution 2001/38 of 23 April 2001, and the Geneva Conventions of 12 August 1949.